

Testimony: House Committee on Transportation
November 8, 2007

Good morning Chairman Hopgood and members of the Committee. I am John Shaski and I am speaking on behalf of my boss Rep. Bettie Cook Scott who is testifying in House Insurance committee, but is expected to join us soon.

House Bill 4665 seeks to amend PA 165 of 2003, better known as the Driver Responsibility Law. Briefly, the fee is divided into two categories. The first fee category applies to drivers who accumulate 7 or more points on their driving record and is imposed every year until the driver has less than 7 points. The proposed legislation includes no changes for the Category 1 fees.

The second type of Driver Responsibility Fee is imposed for specific traffic offenses. Drivers found responsible for one of the offenses will be assessed a fee of \$150 to \$1000 for two consecutive years.

The proposed legislation would eliminate the second year fee and increase the fees for the most serious violations. For example, the fee for fleeing or eluding an accident or police officer, drunk driving, and negligent homicide would be increased from \$1000 to \$1500. The fee for impaired or reckless driving would be increased from \$500 to \$1000. Other fees would remain the same but, again, would only be assessed once.

HB 4665 would also require the Secretary of State, if requested, to provide for an installment payment plan for up to 12 months for fees more than \$500. People are losing their licenses because they have to make the decision whether to pay their rent or pay the fees to retain their driver's license.

I have heard from people around the state regarding these fees. This is not an urban issue; this is a state issue. I understand that we have budget problems, but it is not appropriate to subsidize the state's budget on the backs of people who are unable to buy their way out of punishment.

I recently heard a story of an underage driver who took his grandparents' car one day. When the teenager was charged he was an unlicensed driver. The court required the teenager to be licensed to be assessed the fees associated with his activity. Now, a few years later there is a young man around 17 years old, who has so much debt attached to his driver's license number, he will be lucky if he is ever able to drive legally.

The Drivers' Responsibility Act was enacted to promote safe driving in Michigan and deter potentially dangerous behavior; instead, it has become a danger to our low-income citizens. This legislation forces them to pay two fines for the same offense. This creates an undue financial hardship for many and unfairly criminalizes our poorest citizens.

At a time when jobs are scarce, unemployment is high, and morale is low, it is hard to live in Michigan and be happy. I think good policy like this is a move in the right direction for the entire State of Michigan.

I appreciate the time, and I welcome any questions.

John Shaski - HB 4665

From: "William C. Buhl" <BUHLB@vbco.org>
To: <Jshaski@house.mi.gov>
Date: 11/7/2007 2:42 PM
Subject: HB 4665

Statement for the Committee on HB 4665

I have clearly stated my position on the Driver Responsibility Fee last year - it is a destructive way to make money and ought to be repealed.

Given the budget situation, and political reality, I accept the fact that repeal is not a likelihood.

HB 4665 is a small step in the right direction. It lessens the impact of the Fees on the poor. But It does not do nearly enough.

Texas enacted these fees when we did, in 2003. They have experienced the same bad results. But they have only collected 32% of their assessments, and they have issued **1.5 million suspensions** for non-payment (compared to our 3/4 million). Texas charges only \$750 for driving while suspended and \$300 for no insurance (over 3 years).

If we cannot repeal this law, we should remove assessments that are not related to highway safety. We should not punish economically based violations like no insurance. Most driving while suspended violations arise from bad economic situations. \$500 is still too much. DWLS charges are flooding the District Courts. Courts and prosecutors spend too much time, not enforcing the motor vehicle code, but trying to find ways to not enforce it. This law is raising revenue in Lansing, and costing everybody money outside Lansing.

Removing violations of section 257.904 and no insurance (MCL 500.3101-3103) shouldn't cost us much revenue - these are the poor people getting these charges.

William C. Buhl
Circuit Judge
212 Paw Paw Street, Suite 201
Courthouse
Paw Paw, Michigan 49079
269 657-8260
buhl@vbco.org



National Association for the Advancement of Colored People Michigan State Conference of NAACP

November 8, 2007

Yvonne M. White
President

TESTIMONY IN SUPPORT OF HB 4665

Locations

Albion
Ann Arbor
Battle Creek
Bay City
Detroit Central
Detroit Southwest
Eastern Michigan University
Ferris State University
Flint
Grand Rapids
Hamtramck
Highland Park
Jackson County
Kalamazoo
Lake & Newago Counties
Lansing
Lenawee County
Macomb County
Monroe County
Muskegon
Niles
Northern Oakland County
Oak Park High School
Olivet College
Port Huron
River Rouge/Ecorse
Saginaw
Southern Oakland County
Three Rivers
Twin City Area
University of Michigan
Van Buren County
Western Wayne County
Ypsilanti/Willow Run

Greetings to the Hon. Hoon-Yung Hopgood, chair of the House Transportation Committee, and fellow committee members as well as the Hon. Bettie Cook-Scott. The Michigan State Conference of the NAACP would like to go on record as testifying in support of House Bill 4665.

Based on the fact that the working class and poor suffer from insurance redlining, racial profiling, inadequate representation in court and two separate unequal tracks of justice based on race and class, the driver responsibility fee is irresponsible at best or even worst an unconstitutional and racist policy.

Compounding the problem, the Michigan Supreme Court has made it illegal for judges and magistrates to assign, reduce or dismiss points for traffic violations. Also, if you fail to pay the fee, which most people do primarily due to the lack of proper notification of the assessment, one's driving privileges are suspended. Consequently, one must then pay an additional \$125 reinstatement fee which only requires a mere click of a button on a Secretary of State computer.

The State of Michigan, as of March 31, 2007, has assessed \$502,232,300 in driver responsibility fees and the MI Department of Treasury reports collecting \$232,417,531 of that total at the same point in time. There have been a total of 726,392 driver responsibility related license suspensions during this time. In September of 2005, the Secretary of State issues 199,484 suspensions with 46,689 (23.4%) being in the city of Detroit.

Thus, the Driver Responsibility Fee amounts to an unfair tax levied on Michigan's Citizens, especially those in poverty-stricken communities, aimed at subsidizing Michigan's budget shortfalls. As an organization that advocates Justice for All, we can not allow such a policy to go unchallenged. Although we intend to fight until this Act is repealed, HB 4665 is a step in the right direction and we urge you to pass it out of committee.

If you have any questions or need more information please call Brian H. White, Public Policy Director, at (313)213-5383. Thank you, in advance, for your time and effort in ensuring that HB 4665 passes out of committee and subsequently out of the House.

Respectfully,

Yvonne M. White Brian H. White
Jerome L. Reide, Chair, Legal Redress